

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

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March 4, 2009

Elisabeth A. Shumaker  
Clerk of Court

JUDY C. ELLIOTT, Bankruptcy  
Estate of,

Plaintiff - Appellant,

v.

OKLAHOMA DEPARTMENT OF  
CORRECTIONS, sued as State of  
Oklahoma ex rel, a state agency,

Defendant - Appellee.

No. 09-6012  
(D.C. No. 5:06-CV-00065-D)

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**ORDER**

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This appeal is dismissed for failure to prosecute. *See* 10th Cir. R. 42.1 (the appellant failed to pay the fee although given until February 23, 2009 to do so).

The appellant's motion to dismiss is denied as moot.

Entered for the Court  
ELISABETH A. SHUMAKER, Clerk



Ellen Rich Reiter  
Deputy Clerk/Jurisdictional Attorney